IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: PECEN ET AL.)
) Examiner Z. Lu
Appl. No. 10/824,550)
) Art Unit 2618
Confirm. No. 6417)
) Atty. Docket No. CS24618RA
Filed: 14 April 2004)

Title: "System Selection in Wireless Communication Networks"

PRE-APPEAL BRIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Review Request, Claims Pending

The final Office action mailed on 26 February 2007 has been considered carefully. A pre-brief conference is requested. A Notice of Appeal has been filed herewith. The claims have not been amended subsequent to the mailing of the final rejection. Claims 1-23 are pending.

Allowability of Claims Over Kallio

Rejection Summary

Claims 1, 3-5, 7-8 and 22-23 stand rejected under 35 USC 102(b) for anticipation by US Publication 2002/0147008 (Kallio).

Claims 6, 10 and 13-14 stand rejected under 35 USC 103(a) as being unpatentable over Kallio.

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Claims 16 and 18-19 stand rejected under 35 USC 103(a) as being unpatentable over Kallio in view of US Publication No. 2003/0114162 (Chheda).

Claims 2, 9, 11, 15 and 20-21 stand rejected under 35 USC 103(a) as being unpatentable over Kallio in view of US Patent No. 7,092,710 (Stoter).

Discussion of Claim 1

Regarding Claim 1, the Examiner's assertion that the transmission level or link quality discussed in Kallio corresponds to the claimed "…measure of mobility of the wireless communications device …" is without a basis in the prior art. Kallio does not discuss device mobility or relate mobility to transmission level or link quality. The other passages of Kallio referenced by the Examiner do not support the asserted rejection. At paragraph [0040], Kallio discloses a mobile station that attempts a GSM location update when WLAN transmission level indicates that a GSM cell should be selected. At paragraph [0041], Kallio discloses a mobile station that obtains GSM neighbor measurements upon receiving neighbor cell information from the wireless mobile center (WCM. At paragraph [0048], Kallio merely discusses resuming measuring GSM neighbor cells when the WLAN transmission level (rx-level) drop between upper and lower thresholds. Paragraphs [0038-39] of Kallio discuss measuring GSM neighbors while camped on a WLAN in idle mode.

Thus, contrary to the Examiner's assertion, Kallio does not disclose a method in a wireless communications device including "…obtaining a measure of mobility of a wireless communication device…" or "… monitoring a first system while selected to a second system only if the

measure of mobility exceeds a mobility threshold". Claim 1 is thus patentably distinguished over Kallio.

Discussion of Claim 10

Regarding Claim 10, Kallio does not disclose a method in a hybrid wireless communications device including "… comparing a mobility measurement of the wireless communications device to a mobility threshold …" or "… monitoring a cellular communications network if the mobility measurement is greater than a mobility threshold…" or "… not monitoring the cellular communications network if the mobility measurement is not greater than the mobility threshold."

The Examiner's assertion that the transmission level or link quality discussed in Kallio corresponds to the claimed "…measure of mobility of the wireless communications device …" is without a basis in the prior art. Kallio does not discuss device mobility or relate mobility to transmission level or link quality. The other passages of Kallio referenced by the Examiner do not support the asserted rejection. At paragraph [0012], Kallio discusses an active mobile station on a GSM that is forced to handover to a target WLAN based on a handover request from the BSS to a MSC. At paragraph [0013], Kallio discusses a BSS handover algorithm that request handover based on transmission levels (rx-level) relative to a threshold. At paragraph [0036], Kallio discusses making a location update when handing over from GSM to WLAN. At paragraph [0037], Kallio discusses roaming from GAM to WLAN when the transmission level threshold comparison indicates that WLAN should be selected.

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Discussion of Claim 16

Regarding Claim 16, the Examiner admits that Kallio fails to disclose determining "…regression line error information based on broadband wireless network signal measurements…" but asserts that paragraph [0024] of Chheda meets this deficiency. In paragraph [0024], Chheda discusses orthogonal code reuse and particularly collision detection based on frame error rate (FER) exceeding a threshold, which are used to trigger hard handoff. Contrary to the Examiner's assertion, there is no disclosure or discussion of using regression line error as a basis for monitoring a network. The "regression" concept is not even discussed in Chedda. Claim 16 is thus patentably distinguished over Kallio and Chheda.

Discussion of Claim 20

Regarding Claim 20, contrary to the Examiner's assertion, Kallio also fails to disclose selecting a second wireless communications system if signal measurements on the second wireless communications system exceed a "dynamic threshold for a specified time period…." In paragraph [0013], Kallio discusses a BSS handover algorithm that request handover based on transmission levels (rx-level) relative to a threshold.

The Examiner admits that Kallio fails to disclose a "… dynamic threshold [that] compensates for changes in regression error of the signal measurements on the second wireless communications system" but cites col. 4, lines 7-21of Stoter to meet the deficiency of Kallio. The cited passage of Stoter (col. 4, lines 7-21) relied upon to meet the admitted deficiency of Kallio however merely discusses bit error rate (BER) and frame error rate (FER) as a

measure of link quality. Stoter also fails to disclose or suggest a "...dynamic threshold [that] compensates for changes in regression error of the signal measurements on the second wireless communications system." Claim 20 is thus patentably distinguished over Kallio and Stoter.

Discussion of Claim 22

Regarding Claim 22, Kallio fails to disclose a method in a wireless communications device including "... obtaining a measure of mobility of the wireless communications while selected to a cellular wireless communication system..." and "... monitoring for a broadband wireless communication system while selected to the cellular wireless communications system only if the measure of mobility exceeds a mobility threshold."

The various passages of Kallio referenced by the Examiner do not support the asserted rejection. At paragraph [0040], Kallio discloses a mobile station that attempts a GSM location update when WLAN transmission level indicates that a GSM cell should be selected. At paragraph [0041], Kallio discloses a mobile station that obtains GSM neighbor measurements upon receiving neighbor cell information from the wireless mobile center (WCM. At paragraph [0048], Kallio merely discusses resuming measuring GSM neighbor cells when the WLAN transmission level (rx-level) drop between upper and lower thresholds. Contrary to the Examiner's assertion, Kallio does not disclose obtaining a "... measure of mobility ..." of a wireless communication device, or disclose "...monitoring for a broadband wireless communication system while selected to the cellular wireless communications system only if the measure of mobility exceeds a mobility threshold". Claim 22 is thus patentably distinguished over Kallio.

Prayer For Relief

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ R K Bowler /

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AGENT OF RECORD

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